HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1256 of 2007

Dated:23.01.2007

Between:

Gandi Gangamma and others.

…Petitioners.

and

Government of A.P. and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1256 of 2007

ORDER:

The petitioners state that they are the owners of 90 cents of land in Sy.No.1 of T.D.No.488 of Purushottapuram Village, Pendurthi Mandal, Visakhapatnam District. According to them, they have executed sale deed to transfer the said land and presented a document before the

2nd respondent for registration. Their grievance is that the 2nd respondent is not registering the document, on the ground that the 1st respondent had issued instructions not to register any document, in relation to land in Sy.No.1 of the said village. They seek appropriate directions in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The only source for the 1st respondent to issue instructions to the registering authorities not to register documents, in relation to the identified properties, was Section 22-A of the Registration Act, 1908. The Supreme Court held the said provision to be *ultra vires*. With that, there does not exist any basis either for the 1st respondent or for any

authority subordinate to it, to require the registering authorities not to register the documents in relation to any items of property. At any rate, no such proceedings are pointed out in the present case.

If there exist any reasons for the 2nd respondent, disabling him from registering the document, he is under obligation to pass orders, communicating the reasons. Such orders are appellable under the Act. The 2nd respondent cannot refuse to register the document or kept the matter pending indefinitely.

For the foregoing reasons, the Writ Petition is disposed of, directing the 2nd respondent to receive the document presented by the petitioners, in respect of land in Sy.No.1 of T.D.No.488 of Purushottapuram Village, Pendurthi Mandal, Visakhapatnam District, and take necessary steps in accordance with the provisions of the Registration Act and the Indian Stamp Act, but shall not refuse registration on the basis of any instructions received by him. If there exist any reasons or grounds, which enable him to refuse the registration, he shall pass necessary orders within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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Dt.23.01.2007 **L.NARASIMHA REDDY, J**

Note: Furnish C.C. in three days.

(B/o)

GJ